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10                   UNITED STATES DISTRICT COURT  
11                   WESTERN DISTRICT OF WASHINGTON  
12                   AT TACOMA

13                   JOHNNIE C. WHITE,

14                   Plaintiff,

15                   v.

16                   KENNETH PAUL SMITH AND  
17                   DANIEL MARK FOZZARD.,

18                   Defendants.

Case No. C06-5170RBL

ORDER GRANTING AN  
EXTENSION OF TIME

This action, brought pursuant to 42 U.S.C. 1983, has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. § 636(b)(1)(B). The court ordered plaintiff to show cause why this action should not be dismissed as the facts alleged appear to be intertwined with his conviction.

Plaintiff names two Tacoma City Police Officers as defendants, and alleges excessive force was used in arresting him on September 23<sup>rd</sup>, 2004. While plaintiff alleges he offered no resistance to his arrest, plaintiff was convicted of two counts of third degree assault. One count with regard to defendant Officer Smith and one count with regard to defendant Officer Fozzard. (Dkt. # 5, page 12).

Plaintiff did not file a response to the order to show cause and instead has asked that he be ORDER - 1

1 given "the most time possible" to complete a response. The court views plaintiff's filing as a request  
2 for an extension of time and grants plaintiff until. **August 11<sup>th</sup>, 2006** to have a response filed.

3 The clerk of court is directed to re-note the response to the order to show cause for **August**  
4 **11<sup>th</sup>, 2006.**

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6 DATED this 10<sup>th</sup>, day of July, 2006.

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/S/ J. Kelley Arnold

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J. Kelley Arnold

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United States Magistrate Judge

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ORDER - 2